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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/500,468	03/29/2005	Michel Droux	254633US6PCT	5139
22889	7590	05/12/2009	EXAMINER	
OWENS CORNING 2790 COLUMBUS ROAD GRANVILLE, OH 43023			LONEY, DONALD J	
ART UNIT		PAPER NUMBER		
1794				
MAIL DATE		DELIVERY MODE		
05/12/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/500,468	<b>Applicant(s)</b> DROUX ET AL.
	<b>Examiner</b> Donald Loney	<b>Art Unit</b> 1794

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

- 1) Responsive to communication(s) filed on 19 December 2008 and 17 February 2009.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

- 4) Claim(s) 27-52 is/are pending in the application.
- 4a) Of the above claim(s) 50-52 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 27-49 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/06)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 27-33 and 38-49 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 27, line 1, a "central layer" is recited. It is unclear as to what it is central too. Since the fabric layer is recited as "at least one" there could only be one other layer next to the fabric layer just making it an outer, or exterior layer, as recited. Not until claim 34 is it understood what the strand layer is central thereto since another outer layer is recited. Additionally, it appears claims 38 and 39 were intended to depend from claim 35 and claim 41 from claim 34, respectively.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 27 and 47-49 are rejected under 35 U.S.C. 102(b) as being anticipated by Grimnes (5174228).

Grimnes discloses a layer of randomly distributed glass stands 20 and a layer of glass fabric 34,73 attached thereto per claims 27, 47 and 48. Refer to figure 5 along

with column 2, lines 30-40 and column 3, lines 40-58. With regards to claim 49, since there are two layers it is deemed a composite.

5. Claims 27-29, 31, 34 and 47-49 are rejected under 35 U.S.C. 102(b) as being anticipated by Beer et al (5883021).

Beer et al discloses a layer of central core of randomly distributed glass stands 14 and a layer of glass fabric 311 attached to both sides thereof per claims 27, 34, 47 and 48. See figure 8 along with column 4, lines 43-53 and column 10, lines 8-18. With regards to claims 28 and 29, see claim 14. With regards to claim 30, see column 10, lines 13-16 disclosing discontinuous fibers (i.e. chopped fibers). With regards to claim 49, since there is more than one layer it is deemed a composite.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. Claims 28-33 and 38-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grimnes.

The primary reference teaches the invention substantially as recited except for the specific mass per unit area of the layer(s) per claims 28, 29, 31 and 32. See the 35 U.S.C. 102 rejection above.

However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to Grimnes to form the layer (s) of what ever mass per unit area is required for a particular application. With regards to claim 30, see the Abstract. With regards to claim 33, one would use what ever length strands are needed for a particular application in order to provide the desired properties there from. With regards to claims 38-41, it would be obvious to apply additional layer(s) in order to apply the properties there from to the composite.

10. Claims 31-33 and 35-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beer et al.

The primary reference teaches the invention substantially as recited except for the fabric mass per unit area per claims 31 and 32. See the 35 U.S.C. 102 rejection above.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to Beer et al to form the fabric layer (s) of what ever mass per unit are is required for a particular application. With regards to claim 33, see column 5, lines 23-26 for fibers of this known length. With regards to claims 38-41, it would be obvious to apply additional layer(s) in order to apply the properties there from to the composite.

11. Claims 42-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Grimnes or Beers et al as applied to claim 27 above, and further in view of either Gracer (3197860) or Cancio et al (4298647).

The primary references disclose the invention substantially as recited except for the notches therein in order to aid in bending the composite.

Both Gracer and Cancio et al disclose it is known to form notches in a material in order to aid in bending thereof. Refer to column 3, lines 71-75 in Gracer and figures 1 and 2 in Cancio et al.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to the primary references to include notches therein, as is taught by Gracer and Cancio et al, in order to aid in bending thereof.

***Response to Arguments***

12. Applicant's arguments with respect to claims 27-49 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald Loney whose telephone number is (571) 272-1493. The examiner can normally be reached on Mon, Tues, Thurs and Fri. 8AM-4PM, flex schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Sample can be reached on 571 272-1376. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Donald J. Loney/  
Primary Examiner  
Art Unit 1794

DJL;D.Loney  
05/11/09